THE HON'BLE SRI JUSTICE BILAL NAZKI
AND
THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION No.24186 of 2004

Date: 12-02-2007.

Between :

Mr.Mohd.Abdul Hadi.

.....Petitioner

And

The Deputy Commercial Tax Officer, Khairatabad Circle,
Hyderabad & another.

.....Respondents.

THE HON'BLE SRI JUSTICE BILAL NAZKI
AND
THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION No.24186 of 2004

ORDER : (Per Hon'ble Sri Justice Bilal Nazki)

Heard learned counsel for the parties.

The controversy in this writ petition relates to the power of the Department to make recoveries of alleged tax from the Directors of the Company when the Company is in existence, and is not wound up. The issue, as stated at the bar, is covered by a judgment of this Court in **Maddi Swarna v. Commercial Tax Officer** [1]. The learned Government Pleader submitted that since the Company does not have any assets, therefore, the Department was constrained to move against the Directors. However, as per the law laid down by this Court in the judgment mentioned hereinabove, the Department will have to seek other remedies that may be available to them in law.

Therefore, the writ petition is allowed and the

auction notice is quashed.

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BILAL NAZKI, J

12th February 2007.

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NOOTY
RAMAMOHANA RAO, J

ajr

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[1] 124 STC 203